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AN ACT

RELATING TO AGENCIES; CLARIFYING THE DUTIES OF THE CHILDREN, YOUTH
AND FAMILIES DEPARTMENT; AMENDING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 9-2A-2 NMSA 1978 (being Laws 1992, Chapter 57, Section
2) is amended to read:

"9-2A-2. PURPOSE.--The purpose of the Children, Youth and Families
Department Act is to establish a department of state government that shall:

A. administer all laws and exercise all functions formerly administered
and exercised by the youth authority, as well as administering certain functions related
to children, youth and families that were formerly administered by other departments
or agencies of the state;

B. assist in the development of state policies and plans for services to
children, youth and families, including policies and plans that endeavor to strengthen
client self-sufficiency and that emphasize prevention without jeopardizing the
necessary provision of essential treatment and early intervention services;

C. advocate for services for children, youth and families as an
enduring priority in New Mexico; and

D. provide leadership to other agencies that serve children, youth and
families to ensure a coordinated and integrated system of care and services for
children, youth and families."

Section 2. Section 9-2A-4 NMSA 1978 (being Laws 1992, Chapter 57, Section
4) is amended to read:

"9-2A-4. DEPARTMENT CREATED--DIVISIONS.--

A. The "children, youth and families department" is created. The
department is a cabinet department and consists of, but is not limited to, five divisions
as follows:

(1) the protective services division;

- 1 (2) the juvenile justice division;
- 2 (3) the prevention and intervention division;
- 3 (4) the financial services division; and
- 4 (5) the employee support division.

5 B. The secretary is empowered to organize the department and the
6 divisions specified in Subsection A of this section and may transfer or merge functions
7 between divisions in the interest of efficiency and economy.

8 C. The governor is empowered to merge divisions and to abolish or
9 create divisions of the department by executive order in the interest of efficiency and
economy."

10 Section 3. Section 9-2A-8 NMSA 1978 (being Laws 1992, Chapter 57, Section
11 8, as amended) is amended to read:

12 "9-2A-8. DEPARTMENT--ADDITIONAL DUTIES.--In addition to other duties
13 provided by law or assigned to the department by the governor, the department shall:

14 A. develop priorities for department services and resources based on
15 state policy and national best-practice standards and local considerations and
16 priorities;

17 B. strengthen collaboration and coordination in state and local
18 services for children, youth and families by integrating critical functions as appropriate,
19 including service delivery and contracting for services across divisions and related
20 agencies;

21 C. develop and maintain a statewide database, including client
22 tracking of services for children, youth and families;

23 D. develop standards of service within the department that focus on
24 prevention, monitoring and outcomes;

25 E. analyze policies of other departments that affect children, youth and
families to encourage common contracting procedures, common service definitions
and a uniform system of access;

F. enact regulations to control disposition and placement of children

1 under the Children's Code, including regulations to limit or prohibit the out-of-state
2 placement of children, including those who have developmental disabilities or
3 emotional, neurobiological or behavioral disorders, when in-state alternatives are
4 available;

5 G. develop reimbursement criteria for licensed child care centers and
6 licensed home providers establishing that accreditation by a department-approved
7 national accrediting body is sufficient qualification for the child care center or home
8 provider to receive the highest reimbursement rate paid by the department;

9 H. assume and implement the lead responsibility among all
10 departments for children's mental health and substance abuse treatment authority in
11 the state, coordinating with the human services department and the department of
12 health;

13 I. assume and implement the lead responsibility among all departments
14 for domestic violence services;

15 J. implement prevention and early intervention as a departmental
16 focus; and

17 K. conduct biennial assessments of service gaps and needs and
18 establish outcome measurements to address those service gaps and needs, including
19 recommendations from the governor's children's cabinet and the children, youth and
20 families advisory committee."

21 Section 4. Section 9-2A-12 NMSA 1978 (being Laws 1992, Chapter 57,
22 Section 12) is amended to read:

23 "9-2A-12. CHILDREN, YOUTH AND FAMILIES ADVISORY COMMITTEE
24 CREATED--MEMBERS--PURPOSE.--

25 A. The "children, youth and families advisory committee" is created.
The committee shall be composed of eleven members appointed by the governor.
The governor shall appoint persons with demonstrated interest and involvement in
children, youth and family services, particularly those services and programs
administered or funded by the department. Members shall be appointed so as to

1 provide adequate representation of ethnic groups and geographic areas of the state.
2 At least two members shall be parents who are recipients of services provided by the
3 department, at least two members shall be youths between the ages of sixteen and
4 twenty-one and at least one member shall be on the governor's youth council.

5 B. The committee shall assist in the development of policies and
6 procedures for the department.

7 C. The members of the children, youth and families advisory
8 committee shall be reimbursed for their services as provided in the Per Diem and
9 Mileage Act and shall receive no other compensation, perquisite or allowance."

10 Section 5. Section 9-2A-13 NMSA 1978 (being Laws 1992, Chapter 57,
11 Section 13) is amended to read:

12 "9-2A-13. INTERAGENCY COORDINATING GROUP.--There is created an
13 "interagency coordinating group" consisting of the secretary of finance and
14 administration, the secretary of health, the secretary of human services, the secretary
15 of labor, the superintendent of public instruction, the chairman of the joint interim
16 legislative health and human services committee and a member of the governor's
17 office. The group shall assist the secretary of children, youth and families and the
18 children, youth and families advisory committee in planning coordination of services. If
19 the governor creates a children's cabinet through executive order, the children's
20 cabinet shall assume the functions and duties of the interagency coordinating group."
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